

State of California



Fair Political Practices Commission

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March 2, 1984

Michael Evers
Assemblyman John Vasconcellos
Room 6062, State Capitol
Sacramento, CA 95814

Re: Our File No. A-84-034

Dear Mr. Evers:

This is to confirm my advice to you of February 22, 1984, regarding the following questions:

1. Is a legislator prohibited from sending a legislative newsletter or other mass mailing at public expense to persons outside of the district for which he has filed a declaration of candidacy?
2. Is a legislator prohibited from making two or more mailings to persons located in the district for which he has filed a declaration of candidacy if each mailing is sent to fewer than 200 persons in the district, and each mailing is sent to persons representing a particular industry group regarding pending matters which will affect that particular industry group?

Government Code Section 89001 prohibits an elected state officer from sending at public expense any legislative newsletter or other mass mailing after he or she has filed a declaration of candidacy. By regulation, the Commission has determined that such mailings are not prohibited so long as less than 200 pieces of mail are sent in a calendar month to persons in the district for which the officer has filed a declaration of candidacy. (2 Cal. Adm. Code Section 18901--copy enclosed.) Therefore, the prohibition contained in Government Code Section 89001 would not apply to mailings which are sent to persons outside of the official's declared district.

With respect to your second question, Government Code Section 82041.5 defines the term "mass mailing" to mean:

... two hundred or more identical or nearly identical pieces of mail, but does not

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include a form letter or other mail which is sent in response to a request, letter or other inquiry.

Regardless of the industry group affiliation of the recipients, so long as the mailings are not "identical or nearly identical" and each mailing is sent to fewer than 200 persons in the district for which the official has filed a declaration of candidacy, the prohibition in Government Code Section 89001 would not apply. Generally, mailings which discuss the same subject(s) are considered to be "identical or nearly identical" regardless of their format. If you would like more specific guidelines, however, examples of proposed mailings must be provided.

Please let me know if you have additional questions.

Sincerely,

Carla J. Wardlow
Carla J. Wardlow
Political Reform Consultant

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